

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RUFUS WEST,

Plaintiff,

v.

Case No. 17-cv-482-pp

JOHN KIND, *et al.*,

Defendants.

ORDER FOR INJUNCTIVE RELIEF

In West v. Radtke, 48 F.4th 836, 853 (7th Cir. 2022), the Seventh Circuit Court of Appeals remanded this case. The appellate court directed this court to order appropriate injunctive relief on the plaintiff's claim under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Id. In that claim, the plaintiff alleged that the prison's policy of requiring him to submit to cross-sex searches (in West's case, a search by a transgender corrections officer who had been born biologically female) violated the tenets of his Islamic faith. Id. at 844-45.

On remand, this court ordered the parties to submit a joint proposal for the language of an RLUIPA injunctive order; if they were unable to reach an agreement on the language of that order, the court ordered that each party must file proposed language for the court's review. Dkt. No. 86. The parties each have filed a proposed order for the court's review. Dkt. Nos. 90, 91.

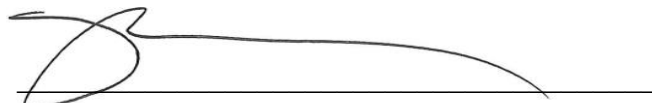
The Prison Litigation Reform Act provides: "The court shall not grant or approve any prospective relief unless the court finds that such relief is

narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.” 18 U.S.C. §3626(a)(1)(A). See Westefer v. Neal, 682 F.3d 679, 681 (7th Cir. 2012) (quoting 18 U.S.C. §3626(a)(1)(A)); see also Rasho v. Jeffreys, 22 F.4th 703 (7th Cir. 2022). Based on the Seventh Circuit’s opinion, the applicable law and the parties’ submissions, the court issues the following order for injunctive relief. See Federal Rule of Civil Procedure 65(d).

The court **ORDERS** that the State of Wisconsin Department of Corrections (“DOC”) is **ENJOINED** from requiring or permitting DOC employees or other authorized persons who are not of the male gender based on their biological characteristics at birth to conduct or observe strip searches (as defined by Wisconsin Division of Adult Institutions Policy #306.17.02 p.2 (dated Mar. 26, 2015, effective May 1, 2015)) of Rufus West (also known as “Muslim Mansa Lutalo Iyapo”), except in exigent circumstances (see Wis. Div. of Adult Insts. Policy #306.17.02(III)(A) p.4 (dated Mar. 26, 2015, effective May 1, 2015)). This order applies to any DOC institution where Rufus West is incarcerated.

Dated in Milwaukee, Wisconsin this 2nd day of August, 2023.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge